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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,405	08/01/2003	Michael James Paquette	4860P2994	2934

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/632,405	Applicant(s) PAQUETTE, MICHAEL JAMES	
	Examiner Sajous Wesner	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 14, 15, 20-22, 25-27, 33, 34, 39, 40, 44-46, 52 and 53 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9-12, 16-19, 23, 24, 28-32, 35-38, 41-43, 47-51 and 54-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the response dated March 17, 2005.

Claims 1-57 are presented for examination.

Response to Arguments

1. The Applicant, at page 15 of the response argues that the Munson reference fails to teach adjusting, according to an elapsed time, color correction parameters a plurality of times during a time period of a length.

The Examiner, in response, respectfully disagrees. Munson, at col. 2, lines 2-7 and col. 4, lines 3-8, suggests that a microcontroller 32, for a predetermined time period, is able to continually adjust the brightness and color balance of video images while a camera is operating in the automatic adjustment mode. In view of the above, it is noted that since Munson performs color corrections, it is the Examiner's interpretation that whatever time period it takes the system to adjust the color, either automatically or manually, such time duration corresponds to an elapsed time during a time period of a first time length, since the claims fail to specifically define the elapsed time period and the time period of a first length. Thus, the rejections of claims 1, 20, and 39 are sustained.

The Applicant, at page 16 of the response, argues that Munson does not show the additional limitations recited in claims 14-15, 33-34, and 52-53, including: restoring, based on expiration of a reservation time period, the color correction parameters to values that the color correction parameters have before the time period [expired].

The Examiner respectfully disagrees. Munson teaches that after the time period for automatic color adjustment is expired, if no manual adjustments are received during the remainder of the session, the newly locked down operating parameters become the "last used" operating parameters for the next session. See col. 2, line 17, and col. 4, lines 12-25 and lines 59-67. This implies that the color correction parameters to values that the color correction parameters have before the time period expired is restored and applied, since the newly locked down operating parameters are used for the next session after the time period for automatic color adjustment is expired. Hence, the Applicant's arguments are not persuasive. The rejections are maintained.

The Applicant further argues that the Deering reference fails to teach adjusting, according to an elapsed time, color correction parameters a plurality of times during a time period of a length. See paragraphs 2-4 at page 17 of the response.

However, it is noted that since Deering performs color correction (see paragraphs 214 & 218), and suggests that the process may be repeated periodically (see paragraph 215), it is the Examiner's interpretation that the correction to the display device is conducted according to an elapsed time a plurality of times during a time period of a length. For, whatever the time period it takes the user or the system to perform the color correction, such a time period, e.g., the time it starts and ends the color correction, defines the elapsed time during a first time length, since no specific definition is provided in the claim to define the elapsed time period or first time length. Thus, Applicant's argument is not persuasive.

Regarding the rejections of claims 8, 27, and 46 as being unpatentable over Deering in view of Greenberg, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, as for the argued feature that Greenberg does not show a frequency for said adjusting the color correction parameters, the Applicant is directed to col. 14, lines 40-53 of Greenberg, wherein a display controller that supports display refresh rates between 50Hz and 100Hz is provided for gamma correction and gain and contrast controls. Hence, Applicant's arguments are not persuasive.

As per the rejections of claims 14, 33, and 52 as being unpatentable over Deering in view of Yakata, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

As per the rejections of claims 2-3, 21-22, and 40-41 as being unpatentable over Deering in view of Bilbrey, the Examiner agrees that the combination of Deering and

Bilbrey fail to teach adjusting at least one lookup table to blend input color signals with a color, wherein the input color signals is blended with the color according to an elapsed time. Accordingly, the rejections to claims 3, 22, and 41 are withdrawn.

As per the contention that Bilbrey does not show a real time clock, which measures time during production of visual effects, it is noted that Bilbrey performs visual effects and controls the video windows in real time (see col. 16, lines 39-48), it is imperative that a real time clock associated with the system of Bilbrey is used to control the visual effects of the video, for Bilbrey's system operable under the function of a programmable computer that incorporate a timer (see fig. 1). Thus, the rejections of claims 2, 21 and 40 are sustained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-7, 20, 25-26, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deering (US 20020122044).

Considering claim 1, Deering discloses adjusting, according to an elapsed time, color correction parameters a plurality of times during a time period of a length (e.g., *correct for time variation in color presentation for a corresponding display device in a*

particular time interval, and periodically repeat the correction in response to a user request. See paragraph 215 in light of paragraphs 214 and 235).

Deering lacks specific recitation for “receiving a first time length”.

Nonetheless, it is noted that since in Deering a particular time interval is required to perform the correction (see paragraph 215), and since the system performing the color correction is automated (see fig. 1), it is imperative that a time length or time duration be provided to the automated system, for a particular time period is required to complete the correcting task, wherein the time the system begins and ends the color correction task corresponds to the first time length.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Deering system to include the receipt of a first time to adjust color correction parameters; in order to allow a user to control the amount of time it takes a system to perform a predetermined task.

As per claim 6, Deering discloses performing color correction according to the color correction parameters. See paragraph 235.

Re claim 7, Deering discloses adjusting the color correction parameters comprises instructing a graphics-processing unit (e.g., item 112 of fig. 2) to adjust the color correction parameters according to the elapsed time (as implied in paragraph 215, page 17).

Claim 20 is a computer program that performs the method of claim 1. This being the case, claim 20 is rejected under the same rationale as claim 1.

Claims 25-26 are rejected under the same rationale as claims 6-7, respectively.

The invention of claim 39 is a system claim that performs the method of claim 1. This being the case, claim 39 is rejected under the same rationale as claim 1.

Claims 44-45 are system claims that contain the features of claims 6-7; they are, therefore, rejected under the same rationale given above for claims 6 and 7, respectively.

4. Claims 2, 21, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deering (US 20020122044) in view of Bilbrey (US 5227863).

Re claim 2, Deering fails to teach a look up table for gamma correction; and a real time clock, which measures time during production of the visual effect; and blending the input color signals with a color according to the elapsed time.

Bilbrey teaches a look up table for gamma correction (see col. 14, lines 12-45); and a real time clock, which measures time during production of the visual effect (see col. 16, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Deering system to include the features of Bilbrey; in order to provide a system that perform a conversion between multiple color systems or signal systems (see Bilbrey's col. 99, lines 23-25) and to provide a system that compensate for non-linear characteristics of video sources at different signal levels (see Bilbrey's col. 107, lines 51-53).

Claim 21 is a system claim that contains the features of claims 2-3; it is, therefore, rejected under the same rationale as claim 2.

Claim 40 is a system claim that contains the features of claim 2; it is, therefore, rejected under the same rationale as claim 2.

5. Claims 8, 27, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deering (US 20020122044) in view of Greenberg (US 661260).

Regarding claim 8, Deering fails to teach a frequency for adjusting the color correction parameters is determined according to a refreshing frequency for displaying, on the display, input color signals corrected by the color correction parameters.

Greenberg, at col. 14, lines 40-53, discloses a frequency for adjusting the color correction parameters is determined according to a refreshing frequency for displaying, on the display, input color signals corrected by the color correction parameters.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Deering system to include the features of Greenberg, in order to provide a system that is reliable, low in cost and which has improved silicon area usage. See Greenberg's col. 2, lines 61-63.

Claims 27 and 46 contain the features of claim 8; they are, therefore, rejected under the same rationale as claim 8.

6. Claims 13-14, 33-34 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deering (US 20020122044) in view of Munson (US 5648814).

Regarding claims 13 and 14, Deering discloses most claimed features of the invention; except for the claimed of restoring, the color correction parameters to values

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that the color correction parameters have before the time period based on expiration of a reservation time period.

Munson discloses restoring, the color correction parameters to values that the color correction parameters have before the time period based on expiration of a reservation time period. See abstract, fig. 4, items 128-130, and col. 1, line 65 through col. 2, line 17, and col. 4, lines 12-25 and lines 59-67.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Deering system to include the features of Munson in order to have a desirable and better approach for the function of a video conferencing system to adjust for brightness and color balance. See Munson's col. 1, lines 57-61.

Claims 33-34, and 52-53 contain the features of claims 13-14. they are, therefore, subject to rejection for the same reason as claims 13-14.

7. Claims 13, 33, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deering (US 20020122044) in view of Yataka et al. (US 6828497).

Regarding claim 13, Deering discloses most claimed features of the invention; except for "restoring, the color correction parameters to values that the color correction parameters have before the time period.

Yakata teaches restoring, the color correction parameters to values that the color correction parameters have before the time period. See col. 6, lines 19-29.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Deering system to include the features of Yakata; in order to reinstate the default parameters previously determined by the manufacturer.

Claims 33, and 52 contain the features of claim 13. they are, therefore, subject to rejection for the same reason as claim 13.

8. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deering (US 20020122044) in view of Adams, Jr. et al. (US 20030058250).

Deering fails to teach adjusting at least one lookup table to blend input color signals with a color, wherein the input color signals is blended with the color according to an elapsed time.

Adams teaches the equivalence for adjusting at least one lookup table to blend input color signals with a color (e.g., input color entries for the machine color loading configuration to correctly generate the proper tables for the requested pattern (or color mixing) see paragraphs 118, and 141), wherein the input color signals is blended with the color according to an elapsed time. See paragraphs 141-143, and 156.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Deering system to include the features of Adams; in order to generate a look-up table that represents the mixed color patterns for the system's color loading configuration.

Claim 22 contains the features of claim 3, it is therefore, rejected under the same rationale.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 6-7, 13-14, 20, 25-26, 33-34, 44-45 and 52-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Munson (US 5648814).

Considering claim 1, Munson discloses receiving a first time length (see fig. 4, items 122-124); and adjusting, according to an elapsed time, color correction parameters a plurality of times during a time period of a length. See fig. 4, items 126-140, and abstract and col. 1, line 65 through col. 2, line 17, and col. 4, lines 12-25 and lines 59-67.

As per claims 13-14, 33-34 and 52-53, Munson discloses restoring, the color correction parameters to values that the color correction parameters have before the time period based on expiration of a reservation time period. See abstract, fig. 4, items 128-130, and col. 1, line 65 through col. 2, line 17, and col. 4, lines 12-25 and lines 59-67.

As per claim 6, Munson discloses performing color correction according to the color correction parameters. See fig. 4 and col. 1, line 65 through col. 2, line 17.

Re claim 7, Munson discloses adjusting the color correction parameters comprises instructing a graphics-processing unit (e.g., item 32 of fig. 3) to adjust the

color correction parameters according to the elapsed time (as implied in col. 1, line 65 through col. 2, line 17).

Claim 20 is a computer program that performs the method of claim 1. This being the case, claim 20 is rejected under the same rationale as claim 1.

Claims 25-26 are rejected under the same rationale as claims 6-7, respectively.

The invention of claim 39 is a system claim that performs the method of claim 1. This being the case, claim 39 is rejected under the same rationale as claim 1.

Claims 44-45 are system claims that contain the features of claims 6-7; they are, therefore, rejected under the same rationale given above for claims 6 and 7, respectively.

Allowable Subject Matter

11. Claims 4-5, 9-12, 16-19, 23-24, 28-32, 35-38, 41-43 and 47-51, 54-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fail to teach adjusting color correction parameters by determining a first value of the elapsed time; determining first values of the color correction parameters according to the first value of the elapsed time; determining a second value of the elapsed time; and determining second values of the color correction parameters according to the second value of the elapsed time.

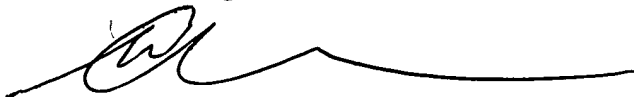
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 AM and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous -WS-

A handwritten signature in black ink, appearing to be 'WS' followed by a long horizontal flourish.

7/9/05